



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,241	01/28/2005	Pierre Rochat	5077-00004	5391
26753	7590	07/09/2007	EXAMINER	
ANDRUS, SCEALES, STARKE & SAWALL, LLP			WILSON, JOHN J	
100 EAST WISCONSIN AVENUE, SUITE 1100			ART UNIT	PAPER NUMBER
MILWAUKEE, WI 53202			3732	
MAIL DATE		DELIVERY MODE		
07/09/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/502,241	ROCHAT, PIERRE	
	<b>Examiner</b>	<b>Art Unit</b>	
	John J. Wilson	3732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1)  Responsive to communication(s) filed on 21 March 2007.  
2a)  This action is **FINAL**.                  2b)  This action is non-final.  
3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

- 4)  Claim(s) 16, 17 and 23-25 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 16, 17 and 23-25 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## **Application Papers**

- 9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
    1.  Certified copies of the priority documents have been received.  
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
    3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_\_.

**DETAILED ACTION**

***Election/Restrictions***

Applicant's election of the claim 5 species in the reply filed on June 16, 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 16, 17 and 23-25 were considered in an Office Action dated September 27, 2006, and are still pending.

***Status of Claims***

It is noted that in the Amendment of March 21, 2006, claim 22 was not addressed, however, in view of the Amendment of June 16, 2006, it is clear that claim 22 has been canceled.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 17 and 23-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims have been left dependent on canceled claim 1. They are assumed to depend from claim 16.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 16 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yam et al (5827114) in view of Straub (3090166). Yam teaches a method of removing material including propelling particles 19 against a surface 14, the particles having a size range of 50-500 microns, and further shows in the figure an angle of incidence that, as shown, is approximately 45 degrees, however, Yam does not state the angle of incidence and does not show using particles that roll to abrade. Straub teaches using an angle of incidence less than 40 degrees and rolling the particles, column 3, line 64 through column 4, line 5, and teaches using generally round particles, column 2, lines 60-70. It would be obvious to one of ordinary skill in the art to modify Yam to include the steps of using an angle of incidence and rolling particles as shown by Straub in order to better polish any size and shape work. As to claim 23, the shown method above is inherently capable of being for use with crowns, bridges or dentures.

Claims 17, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yam et al (5827114) in view of Straub (3090166) as applied to claim 16 above, and further in view of King et al (3864471). Yam teaches using metal salts, however, the above combination does not show using insoluble alkali metal carbonate or calcium

carbonate. King teaches a abrading material that includes insoluble alkali metal salts. It would be obvious to one of ordinary skill in the art to modify the above combination to include the use of an abrasive material as shown by King in order to better polish the desired surface. The specific metal salt used is an obvious matter of choice in the properties desired to one of ordinary skill in the art.

### ***Specification***

The Abstract is objected to because it is not on a separate sheet.

### ***Response to Arguments***

Applicant's arguments filed March 21, 2007 have been fully considered but they are not persuasive. Applicant's remarks are held to be moot in view of the newly applied references and rejections above.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Alonso (3491563), Peterson (3559344), Opersteny et al (4369605) and Shaw (6273788) show using a low angle of incidence.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Wilson whose telephone number is 571-272-4722. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris Rodriguez, can be reached at 571-272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*/John J Wilson/  
Primary Examiner  
Art Unit 3732*

jw  
June 29, 2007